GOVERNMENT OF MADRAS. Sectt. II-28 —60,006—31-10-50.

Edn. (1951) Department.

Endorsement
D.O.
Memorandum
Lodged

No. 8784-C/51-6

Dated 9-7- 1951

FURTHER PAPERS.

Department.	Number.	Series.	Date.

FOR MYSORE STATE

1

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Local Administration Department.

From
Sri. Y. Mahabaleswarappa,
President, District Board, Bellary.

To
The Secretary to Government,
Of Madras, Education & Publi
Health Department, MADRAS.

Through,
The Examiner,
Local Fund Accounts, MADRAS.

Through,
The District Inspector of
L.F. Accounts, BELLARY.

Roc.No. 8121/50.C.3. dated 4-1-'51.

Sir,

Sub:- Establishment- Bellary District Board - Elementary Education (comp) Cancellation of suspension and payment of salary and allowances to teachers Board Boys School, Duggavathi - Sanction - Requested.
Ref:- L.F., No. 1461. dated 20-12-50 from the District Inspector of L.F. Accounts, Bellary.

...

I submit herewith the entire file and the judgment copies for your perusal.

The suspension was terminated and the teachers are restored to duty in this office Roc.No. 8121/50.C.3. dated 27-9-50. In as much as the prosecution cases filed against them have been withdrawn, it is to be presumed that they are acquitted of the offence and therefore the period of suspension (from 29-4-49 to the date of rejoining i.e., 29-9-50) has to be treated as duty and the pay and Dearness Allowance due to them paid as per F.R. 54(a). Please let me know whether my presumption is correct.

The District Inspector of L.F. Accounts, Bellary in his L.F. No. 1461 dated 20-12-50 (copy enclosed) is of opinion that sanction of Government is necessary. Sanction may kindly be accorded to regularise the payment.

ENCLOSURE:-2.
1. File containing pages.32.
2. Copy of L.F.No.1461.D/20-12-50.
Vn. 5.1.

Y. Mahabaleswarappa

President, District Board,
Bellary.

4/5/1

OFFICE OF THE EXAMINER OF LOCAL FUND ACCOUNTS, MOUNT ROAD, MADRAS-2.

L.F.No. 11620 Dated 6-3-51.

F O R W A R D E D.

In the circumstances explained, sanction applied for may be accorded.

Assistant Examiner of Local Fund Accounts.

To
The Secretary to Government,
Education Department, Madras.

3

Copy of the letter from the District Inspector of L.F. accounts, Bellary Ref.C.3. L.F.No. 1461. dated 20-12-50 from the to the President. District Board, Bellary.

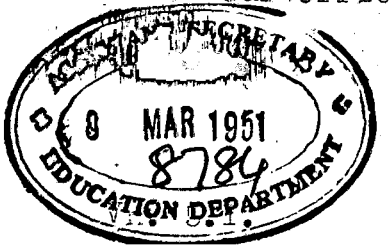
Sub:-Establishment-Elementary Education(comp) Cancellation of suspension and payment of salary and allowances to teachers - Duggavathi - B.B.School.

Ref:- Your Letter Roc.No. 8121/50. C.3 dated 28-10-50 and 28-11-50.

.....

The facts of the case may be reported to Government and their orders obtained.

Your office file, Roc.No. 8121/50 is returned herewith.



/True copy/

President, District Board,
Bellary.

3
5/1

5 C

ASSISTANT SECRETARY
20 MAR 1951
10 672
EDUCATION DEPARTMENT

Local Administration Department.

From
Sri. Y. Mahabaleswarappa,
President, District Board, Bellary.

To
The Secretary to Government
of Madras, Education & Public
Health Department, MADRAS.

Roc. No. 8121/50.C.3. Dated 16-3-51.

Sir,

Sub:- Establishment - Bellary District Board - Elementary Education (compulsory) Cancellation of suspension - payment of salary and allowances to teachers - Board Boys School - Duggavathi - sanction - Requested.

Ref:- This office Roc.No. 8121/50.C.3. D/ 4-1-51.

*****

I invite your kind attention to this office Roc.No. 8121/50.C.3. dated 4-1-51, submitted to the Government through the District Inspector of L.F.Accounts, Bellary and Examiner of L.F. Accounts, Madras and request you to kindly accord necessary sanction to regularise the payment which has already been made in anticipation of your kind approval.

Y Mahabaleswarappa

Vn. 16.3.

16/3

President, District Board,
Bellary.

Copy to the Examiner, Local Fund Accounts, Madras.
Copy to the Dist. Inspector of L.F.Accounts, Bellary in continuation of this office reference Roc.No. 8121/50.C.3. dated 4-1-51.

.....

Edn Sec

Establishment - Dt. Board, Bellary - Withdrawal of cases filed against Dt. Board school teachers, Duggavathi.

6 Yn 61/124

Memo No. 8782-C/57-2 Edudt- 12-4-57

The Coll. of Bellary is requested to forward to Govt. for reference the file relating to the case and the withdrawal of C.C. 64/1950 in the Court of the Sub. Divisional Magistrate, Hospet

9/4/57

9/4/57

8/4 Ed.U. 187

11/4

To The Collector of Bellary

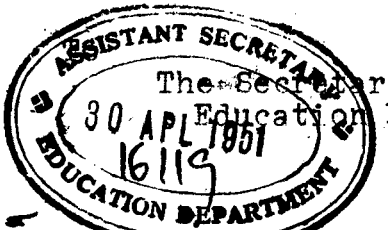
Copy to the P.D.B, Bellary

Rc.No.1161/51-E.1.

Collector's office, Bellary,
Dated: 26.4.1951.
****

From

Sri.G.Rami Reddi B.A.,
Collector,
Bellary.



The Secretary to Government,
Education Department, Fort St.,
George,
Madras.

Sir,

Sub: Establishment - District Board, Bellary - Withdrawal of cases filed against District Board School teachers, Duggavathi.

Ref:- Government Memorandum No.8704-C/51-2 Education Department dated 12.4.51.

---:

The file in C.M.P.No.29/1950 relating to the withdrawl of C.C. No.64/50 on the file of the Sub-Divisional Magistrate, Hospet is submitted. It may be returned when done with.

For Addl.Dt.Magistrate.

JR/26.4.

Education Dept

Draft-T

Memo. No. 8784-C/57-6 - Edn., 9.9.57

Sub:- Establishment Exe. Edn Bellary Dt Ba. - Cancellation of suspension - Payment of Subsy and allowances to teachers, Baard Boys' Schools, Duggavathi Sanctioned.

SO-57/57

Ref:- Ref from the P.D.B., Bellary, No. 8121-/50 C3 - dated 4-1-57

Bellary,

Ref:- The P.D.B. is informed that his presumption that the period of suspension of the teachers in question has to be treated as duty and the pay and allowances due to them paid as per F.R 54(A)

is correct.

2. The connected file of ~~the~~ (1)
RSBR
2/7/57 this office sent with his letter
read above is returned.

To
The P.D.B., Bellary
(with 'P' in
original)

2/9/57

2/9/57

2/9/57 Copy to. Exo. of L.F.A.

Edu. Dept. (C)

Memo. No. 8784-C/57-7 Edu., dt. 9-9-57

Sub: ESH. - Dt. Bd. Bellary. Withdrawal of cases filed against Dt. Bd. school teachers, Duggavathi

Ref:- From the Collector of Bellary, Rc. No. 1161/57. E1, dt. 26.4.57

(C) The file in CTP No. 29/50 relating to the withdrawal of CC. No. 64/50 on the file of the Sub. Divl. Magistrate, Hospet, sent with the letter of the Collector of Bellary, cited, is returned.

To
The Collector of Bellary
(with 'A' in original)

Rem 2/7/57 — 3/7/57

RTM 3/7/57

Establishment – Ele. education – Dr. Board, Bellary – Cancellation of suspension and payment of ~~salary~~ salary and allowances to teachers. Board Boys School, Dugavati

FICF From the D.D.B., Bellary No. 8121/50C3 dated 4-1-51
P2CF From the Exmr. of L.F. Accounts No. 11690 dated 6-3-51

Three teachers by names, Basalingappa, Chandrasekarah and Gurulingappa employed under the Bellary Dr. Board were involved in a criminal case and pending the disposal of the charges against them, were kept under suspension from 29-4-49. The cases filed against the teachers were however finally withdrawn and they ~~teachers~~ were restored to duty. The P.D.B. enquires whether

Pages 3 and 7 of (P)
P 25 of (P)

FICF the period of suspension of the three teachers from 29-4-49 to 29-9-50 may be treated as on duty and the pay and the dearness allowance due to them may be disbursed. The Examiner of Local Fund Accounts has ~~recommended the acceptance of the Board's proposal that necessary sanction may be given~~ no objection to this sanction being given.

P2CF

Vide F.R. 54 When a Govt. servant who has been dismissed, removed or suspended is reinstated, the revising or appellate authority may grant to him for the period of his absence from duty if he is honourably acquitted, the full pay to which he would have been entitled if he had not been been dismissed, removed or suspended and, by an order to be separately recorded, any allowance of which he was in receipt prior to his dismissal, removal or suspension.

It seems therefore that the period of suspension from 29-4-49 to 29-9-50 may be treated as on duty and the pay and dearness allowance for the period may be paid to them.

The file may be sent to L.A., ~~Home~~ and Finance for remarks.

Edn. Dy. No. 8784-C/51-1
20/3/51

EB
19/3/51
BR 28/3/51

DBN
28/3/51

LA
Finance

L.A. Dept. (G)

Please see the note of Edn Dept on p1 above.

2 Under F.R. 54 when the suspension of a Government servant is held to have been unjustifiable or not wholly justifiable; or

when a Government servant who has been dismissed, removed or suspended is reinstated.

the revising or appellate authority may grant to him for the period of his absence from duty —

(a) if he is honourably acquitted, the full pay to which he would have been entitled if he had not been dismissed, removed or suspended ~~and, by an order to be separately recorded, any allowance of which he was in receipt prior to his dismissal, removal or suspension; or~~ or

~~(b) if otherwise, such proportion of such pay and~~ allowances as the revising or appellate authority may prescribe.

In the present case the two teachers were arrested and a case under Section 107 C.R.P.C. was put up. (Security for keeping the ~~kuskurs~~ peace). They were then placed ~~on~~ under suspension by the P.D.B. ~~The Dy.S.P. reported that there was peace in the village before the two teachers came.~~ Subsequently, the prosecution was withdrawn under section 494 C.R.P.C.

3. From the Dt. Bd. office file, it may be seen that the teachers took a prominent part in ~~extra-school~~ other activities and that their conduct was such that there was breach of the peace. The Dy.S.P. has reported that there was peace in the village before the two teachers came. It seems necessary to see under what circumstances the prosecution was withdrawn in order to find out whether it was a case of honourable acquittal as contemplated in F.R.54. The Collector of Bellary may be asked to send for the reference of Govt. the file relating to the case and its withdrawal. The file may be passed on to Finance pl.

31/3/51
KV
31.3.51

31.3.51 Regd Fin.

ADDITIONAL DEPUTY SECRETARY 25-718 2/3 APL 1951 FINANCE DEPARTMENT

VAnw 11.60/7/51-1-16
2.4.1951

Fin (CD)

Finance may concur in the view of L.A
at 'A' ante 2 above

h
3/4/51

Fin (CD)
4/4/51

Edn (CD)

25718 CSR-1

With reference to the note of L.A. dept at A on P2 ante, a draft memo is submitted for approval

ASSISTANT SECRETARY
13 APL 1951
EDUCATION DEPARTMENT

KB
9/4/51

9/4/51

ORM
6/4/51 & H
11/4

P7 CF [Issued as Memo No. 8782-C/51-2 Edn dated 12-4-51]
P9 CF From the Collector of Bellary No. 1161/51 E1 dated 26-4-51]

The file relating to the withdrawal of the case against the teacher submitted by the Coll^r of Bellary is at flag (K).
The file may be sent to L.A and Finance dept^s again for remarks ~~at present stage~~.

Edn Memo No. 8782-C/51-3
3-5-51

KB
2/5/51

ASST. SECRETARY TO GOVERNMENT
EDUCATION DEPT.
5-MAY 1951
1828

ORM
3/5/51
LM
Finance

L. AA (A)

This Department's note at page 2 ante.
The order of the Addl Dt Magistrate Bellary at Pp 7-8 (K) may be perused. On its perusal it seems that the petitioners have not been given an honourable acquittal. In the petition filed on behalf of the petitioners for regretting for the withdrawal of the case they did not also plead that they were not guilty. It is only in the larger interest of the Communities in general the case was allowed

4

to be withdrawn. In respect of the three teachers who were also involved in the case and were arrested it can not be said that they were given an honourable acquittal. ~~In the circumstances the suspension ordered by the DEO can not be held unjustifiable.~~ In the circumstances this Department may suggest that the period of suspension of the three teachers need not be treated as duty and that no pay and allowances need be paid to them ~~teachers~~ for the period of when they were under suspension. With these remarks the file may be passed on to Finance & Legal also may be consulted.

7/5/51
DW
10.5.51

10-5-51

It is very unfortunate that the Teachers who (belonging to the noble profession as they do) are generally expected to mould the careers of young children and shape their care into good Citizens and themselves assume the role of partisans and law breakers. They should be made to realise that if they will not pay them & if they indulge in such activities as reported the police. This can be done I think only by adopting the Course suggested above.

11/5/51

7m (CSD)

A abaw.

Even if the period of suspension is not treated as duty and left as suspension the three teachers should be granted such proportion of pay and

Memo 18289/51-1 G

11.5.51

SENIOR ASSISTANT SECRETARY, FINANCE DEPARTMENT
36170
12 MAY 1951
GOVERNMENT OF MADRAS

allowances as the revising or appellate authority may prescribe under F R 54(b) under which 2 to F R 54, the amount of subsistence grant already granted should be deducted from the [illegible] pay & allowances granted. To deny the teacher any pay and allowances during the period of suspension will be not in order. Finance may therefore suggest that a suitable proportion of pay and allowances may be paid to the teacher if the period of suspension is to be treated as such

Edn may consult legal also on this point before coming to decision

W
16/5

M
14/5/51

[illegible]
16/5/51

Edn.

C

in No. 36170c88-1

16-5-51

The file may be sent to the Legal dept for remarks

B
22/5/51

[illegible]
23/5/51

[illegible]
23/5

Legal

Legal-Department.

The prosecution against the teachers in question appears to have been withdrawn even before charges were framed against them with the result that they were discharged under section 494(a) of the Cr.P.C - please see the order of the Sub-Divisional Magistrate, Hospet, dated 31-8-50 at pages 19 and 21 of flag (P). Thus there was no occasion for the Court to express any opinion on the merits of the case. In a case like this it is proper to proceed on the basis that the accused are innocent and give them the full benefit of rule 54(a) of the Fundamental Rules.

[illegible]
8/6/51

S.L.
Edn

A

Leg Misc 8715/51
C.G.

Edn No. 8724-C/51
24.5.1951

Edn Dept

Please see the Legal dept note on the previous page. The file may be sent to the L.A and Finance depts for remarks with reference to the note of Legal.

9/6/57

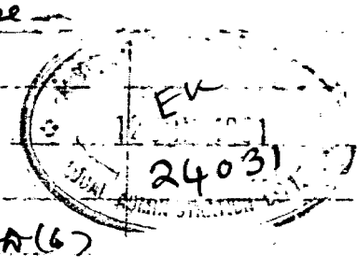
11/6/57

Ed. Leg 8784/51.5

1.2.6.57

L.A.

Finance



L. A. (6)

This Department's previous note ~~8~~ is at pp 3-4 above. Subsequent notes of the Finance, Legal and the Edn Departments may be perused. The Court had no opportunity to express an opinion whether the teaches were guilty or not. So in deciding the question whether the teaches were honourably acquitted or not for the purpose of applying the provision of F.R. 57 the only material to go upon is the report of the police. See p 6 ~~8~~ (P). That the teaches should have conducted themselves in such a manner as to attract the notice of the police authority and to be arrested seems to indicate that their conduct ~~for~~ when they were put under suspension was not above board. p 18 (P)

~~this Department may therefore reiterate~~ the previous view that ~~full~~ pay should not ~~be granted to them for the period of suspension~~

Ekam 13/6/57 It seems there are doubtful whether they can be said that they have been honourably acquitted. In view 20/6/57 knowing what Legal have said

at A on p. 5 ante, this Deptt need not perhaps object to the benefit of F.R. 54(a) being given to the teachers.

Legal / Fin
21.6.51

Law Min. 24031/51-1 L.
21.6.1951

Fin
21.6.51

Previous Fin notes and p 4-5 above & the Legal deptts notes and 5 above may be perused. Fin may agree to the proposal of L.A at 'A' above.

21/6/51

Fin (Cl.II)
21/6/51

Fin no 46 46 Ed 52-1
26.6.51

Edn.
Education Dept.

The notes of Legal, L.A. and Finance Departments from p. 5 ante may be perused. This dept. may also agree with the view of Legal at 'A' on p. 5 ante.

A draft Memo to the P.D.B., ~~S.to~~ Bellary is submitted for approval.

(4) The file sent by the Collector may be returned to him. A draft Memo to the Collector of Bellary is also submitted.

Sor
22/7/51

OM
27/6/51 S.

S

22/7/51

ASSISTANT SECRETARY, FINANCE DEPARTMENT
22 JUN 1951
46 Ed 52
GOVERNMENT OF MADRAS

ASSISTANT SECRETARY
27 JUN 1951
24328
EDUCATION DEPARTMENT